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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/206,720 12/07/98 WILSON

K 20WILSON/BOA

EXAMINER

PM92/0315

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ATTORNEY, F PAPER NUMBER

DATE MAILED: 3/15/00

03/15/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/206,720

Applicant(s)
Wilson et al.

Examiner
Frank Vanaman

Group Art Unit
3611



☒ Responsive to communication(s) filed on Feb 24, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-9, 23, and 24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9, 23, and 24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Continued Prosecution Application

1. The request filed on Feb. 24, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/206,720 is acceptable and a CPA has been established. An action on the CPA follows.

Status of Claims

2. Applicant's preliminary amendment filed with the Request for a Continued Prosecution Application has been entered in the application, claims 1-9, 23 and 24 remain pending, claims 10-22 and 25-28 being canceled.

Claim Rejections - 35 USC § 112

3. Claims 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 3, line 3, the term "said hollow rails" lacks antecedent basis in view of applicant's amendment to lines 1 and 2 of the same claim.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-5, 7-9, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tibbals (cited previously) in view of Schorr (cited previously) and Smisek (US 5,267,743). Tibbals teaches a sports board (10) having top, bottom and side surfaces, with upturned front and rear ends (fig. 2), the ends having arcuate shaped portions, the board having a plurality of hollow sections extending between the front and rear ends of the board, including a central keel portion (between ridges 16) having a width greater than its height (see fig. 4), and extending between a bottom surface of the ridges (16) and top surface of the board, as broadly claimed; and a pair of

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laterally spaced side sections (defined between the board rim, the top surface and bottom surfaces of respective ridges 16), the board underside carrying front and rear wheel trucks (6, 8). The reference of Tibbals fails to teach the board as being made from aluminum. Schorr teaches a skateboard having an upwardly concave profile and optionally made from a metal. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the board of Tibbals from a metal as taught by Schorr for the purpose of providing a generally lightweight, yet strong and durable board structure. The reference of Tibbals as modified by Schorr fails to specifically teach the metal as being aluminum, however aluminum is very well known for its strength to weight ratio and the ease with which it may be machined and worked. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the board of Tibbals as modified to be metallic by Schorr out of aluminum in order to facilitate a simple manufacturing process. Further it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the upwardly concave cross section as suggested by Schorr to the cross sectional shape of the skateboard of Tibbals for the purpose of allowing a rider's feet to parallel the riding surface, even under turning conditions (Schorr at col. 2, lines 56-63, for example).

The reference of Tibbals as modified by Schorr fails to teach the keel and adjacent side sections as being closed cavities. Smisek teaches a skateboard having a top board (22) having a bottom surface and a lower cover (34) positioned below the bottom of the top board. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a lower cover to cover the bottom surface of the skate board of Tibbals as modified by Schorr forming a cover over the lower extents of the side sections and keel, for the purpose of providing a smooth underside to the board, allowing easy sliding over larger objects and/or rougher terrain (see Smisek at col. 2, lines 5-9 and 32-55).

As regards claims 23 and 24, the reference of Tibbals as modified by Schorr and Smisek fails to provide particular force to deflection characteristics for the sports board, however, it is

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generally well known to adjust cross sections of elements to obtain different stress-strain characteristics and as such it would have been obvious to one of ordinary skill in the art at the time of the invention to select the material characteristics, for example the thickness, of the board such that deflection is limited under particular loadings for the purpose of tuning the board by stiffening it.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tibbals as modified by Schorr and Smisek as applied to claim 5 above, and further in view of Endo (cited previously). The reference of Tibbals as modified by Schorr and Smisek fails to teach plastic end guards connected to the ends of the board. Endo et al. teach a sports board having a board structure with ends to which are attached resilient guards (2, 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide resilient guards as taught by Endo et al. to the front and rear ends of the sports board of Tibbals as modified by Schorr and Smisek for the purpose of protecting the board from abrasion during usage.

Conclusion

7. The examiner notes that claim 26, previously indicated to contain allowable subject matter (in paper no. 10), has been canceled from this application

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Welsh (US 5,236,208) and Giorgio (US 5,312,258) teach skateboard structures of pertinence.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry;
informal or draft communications may be faxed to the same number but should be
clearly labeled "UNOFFICIAL" or "DRAFT")

FRANK B. VANAMAN
Patent Examiner
Art Unit 3611

March 14, 2000

Handwritten signature of Frank B. Vanaman, dated 3/14/00.